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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,223	05/30/2001	Doreen Lynn Galli	RSW920010033US1	8092
30449 7590 05/04/2007 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			EXAMINER KANG, INSUN	
			ART UNIT 2193	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/870,223

Applicant(s)

GALLI, DOREEN LYNN

Examiner

Insun Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the RCE amendment filed on 4/5/2007 after The Board of patent Appeals and Interferences affirmed the rejection of claims 1-16 on 2/21/2007.
2. As per applicant's request, claims 1-8 are canceled, claim 9 has been amended, and claim 17 has been added. Claims 9-17 are pending in the application.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 9:

Osder discloses: a method for selecting a voice prompt ...the method comprising the steps of:

- providing a variable associated with the voice prompt by the application program (i.e. the SPIN application table 1 in Fig 3 assigns the values of the Ids (variable) such as UV10AE etc to point to the prompt element sets such as the tables 2-5 containing the pre-recorded prompts in SPINDB )
- assigning a value to the variable by accessing an assignment table that is held outside the compiled code of the application program (i.e. A SPIN Application table 1 in Fig 3 lists

the SPIN applications 1 to N with SPIN application Ids (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, "UV10AE," in column 1 identifies American English. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File," Osder, col. 28 lines 30-32; The tables in SPIN database are held outside of the Network Application and therefore, the meta-language variables to the tables are read from outside of the Network Application, Osder, col. 3 lines 48-51; col. 27 lines 27-41)

- reading a database record that includes a digitally encoded voice prompt, wherein the database record is identified by the value assigned to the variable (i.e. the ID, "UV10AE," in column 1 identifies American English in Fig 3. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32)." The SPIN application ID, "UV10AE" "provides a unique identifier that represents both the set of prompts that a Network Application can play and a specific language," Osder, col. 28 lines 32-37; The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB)," col. 3 lines 48-60)
- passing the voice prompt from the database record that had been read to an audio apparatus ("The voice for the elements can be recorded through NAP and stored in the NAP voice file," col. 3 lines 48-61; "The Network Application issues a PEP command to send a prompt," col. 4 lines 5-25; col. 6 lines 11-31)
- performing, by the audio apparatus, a digital-to-analog conversion of the voice prompt that had been passed to the audio apparatus (i.e. The NAP is a digital platform storing

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the voice prompts in SPINDB as a digital format and converting them to speech when the Network application invokes playing of the prompts (col. 5 lines 42-56)

- speaking, by the audio apparatus, a message to a telephone caller, said message consisting of the digital-to-analog converted voice prompt (i.e. "you have five new messages," col. 5 lines 42-56).

Per claim 10:

The rejection of claim 9 is incorporated, and further, Osder discloses:

- the database includes a first voice prompt in a first language and a second voice prompt in a second language, wherein the first language and the second language are different (i.e. "Index Prompt Tables under three different SPIN applications...to support three different languages," col. 6 lines 33-46; lines 61-67; col. 7 lines 4-21; col. 8 lines 35-36) as claimed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 11:

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The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a first speaker and a second voice prompt spoken by a second speaker, wherein the first speaker and the second speaker are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by different speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different purposes.

Per claim 12:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a male speaker and a second voice prompt spoken by a female speaker. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by male and female speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 13:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt having a first level of formality and a second voice prompt having a second level of formality, wherein the first level of formality and the second level of formality

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are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different level of formality of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 14:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes music. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include music voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 15:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes an audio tone. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include audio tone of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

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Per claim 16:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt and a second voice prompt spoken by the same speaker, wherein the first voice prompt and the second voice prompt convey the same meaning, and wherein the first voice prompt and the second voice prompt differ in wording. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include various voice prompts such as including a dialect as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 17:

The rejection of claim 9 is incorporated, further, Osder does not explicitly teach that the digitally-encoded voice prompt consists of a sequence of beeps. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include various voice prompts such as including beeps as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

### ***Response to Arguments***

7. Applicant's arguments filed on 4/5/2007 have been fully considered but they are not persuasive.



The Applicant states that the claimed spoken message consists of a static voice prompt obtained from a database record. Osder's spoken message as comprising both a static element that is stored in a database and a dynamic element that is dynamically generated as needed, and therefore does not consist of static voice prompt (page 5).

In response to the statement above, first, the claims do not recite the word, "static." It appears that the applicant is continually arguing that the dynamic elements in Osder are not pre-recorded (not stored in a database) and accordingly they are not static (presented on Appeal Brief filed on 12/29/2005). As addressed in Examiner's Answer mailed on 5/16/2006, the static and standard/user defined dynamic elements are pre-recorded voice prompt elements in SPINDB (see fig 3; 5DA). For example, the static element, "you have" in prompt table 3 and the dynamic elements such as cardinal numbers from 0 through 99 in the dynamic element table 5 are pre-recorded prompt elements in these tables stored within SPINDB (Spin Database) (see Fig. 3 and 5DA; col. 11 lines 23-32; 40-48 and col. 19 lines 38-67 for detailed information). If there were five new messages in the mailbox at run time, the prompt would play "you have five new messages (col. 5 lines 41-56)." The dynamic prompt element "five" is a pre-recorded audio and played at run time when there are five messages in the mailbox. In this sense, the ultimate message (i.e. "you have five new messages"), which is assembled at runtime, is a "static" voice prompt.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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